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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harold G. Craighead et al.

Title: NANOFABRICATED PHOTON TUNNELING BASED SENSOR

Docket No.: 1153.009US1

Serial No.: 10/010939

Filed: November 7, 2001

Due Date: April 29, 2004

Examiner: **Amanda H Merlino**

Group Art Unit: 2877

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- A return postcard.
 - Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: D. W. Black
Atty: David W. Black
Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of April, 2004.

Dawn M. Foote

Name _____

Dawn M. Kotey

Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



S/N 10/010939

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 10/010939 Group Art Unit: 2877
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Title: NANOFABRICATED PHOTON TUNNELING BASED SENSOR

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Restriction Requirement mailed March 29, 2004, wherein the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-25 and 35-50, drawn to an apparatus and method for measuring refractive index, classified in class 356, subclass 128.
- II. Claims 26-34, drawn to a method of manufacturing a sensor, classified in class 438, subclass 455.

Applicant provisionally elects, without traverse, the claims of Group I (claims 1-25 and 35-50) and reserves the right to file divisional application(s) on the non-elected claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

HAROLD G. CRAIGHEAD ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Minneapolis, MN 55402
(612) 373-6911

Date April 16, 2004

By



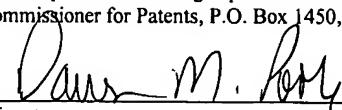
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Name

Dawn M. Boyle

Signature



Dawn M. Boyle